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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TIFFANY YIP, et al.,

Plaintiffs,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 2:21-cv-01254-ART-EJY

Consolidated with:
2:21-cv-02149-APG-BNW

**JOINT STIPULATION AND ORDER
TO FILE THIRD AMENDED
CONSOLIDATED COMPLAINT,
STRIKE CERTAIN ALLEGATIONS,
AMEND THE BRIEFING SCHEDULE,
AND EXCEED PAGE LIMITS FOR
MOTION TO DISMISS THIRD
AMENDED CONSOLIDATED
COMPLAINT**

A.M. HAMILTON, et al.

Plaintiffs,

vs.

BANK OF AMERICA, N.A.,

Defendant.

Case No. 2:22-cv-00374-ART-EJY

1 Plaintiffs Bob McClelland, Jr., et al. (“Plaintiffs”) and Bank of America, N.A. (“BANA,”
 2 jointly Plaintiffs, the “Parties”), by and through their respective counsel, hereby submit this
 3 stipulation (i) to file the Third Amended Consolidated Complaint (“TACC”), (ii) to strike
 4 duplicative allegations in the TACC, (iii) to amend the briefing schedule, and (iv) to exceed the
 5 page limits for BANA’s Motion to Dismiss the TACC (the “Motion”).

6 **The Parties’ Present Briefing Schedule**

7 WHEREAS, on August 9, 2024, the Court granted in part and denied in part BANA’s
 8 Motion to Dismiss the First Amended Complaint and ordered that Plaintiffs’ Second Amended
 9 Consolidated Complaint (“SACC”) would be due by September 9, 2024, at ECF No. 60.

10 WHEREAS, on November 20, 2024, pursuant to a stipulation by the Parties, the Court
 11 ordered that Plaintiffs’ SACC would be due no later than January 3, 2025. *See* ECF Nos. 88, 89.

12 WHEREAS, on December 27, 2024, Plaintiffs filed their SACC, at ECF No. 91.

13 WHEREAS, on February 21, 2025, pursuant to a stipulation by the Parties, the Court
 14 ordered that BANA’s Motion would be due on April 28, 2025, Plaintiffs’ Opposition to the
 15 Motion would be due on June 13, 2025, and BANA’s Reply in support of its Motion would be
 16 due on July 11, 2025. *See* ECF Nos. 97, 98.

17 WHEREAS, on April 18, 2025, Plaintiffs moved for leave to file the TACC (the “TACC
 18 Motion”). *See* ECF No. 105.

19 **Good Cause Exists to Strike the Second Set of Allegations of Hollie Peterson** 20 **from the TACC.**

21 WHEREAS, while Plaintiffs numbered 159 Plaintiffs in the SACC, two Plaintiffs, Hollie
 22 Peterson and Frances V. Prado, were listed twice. *Compare* ECF No. 91 at ¶¶ 81-84, 369-374 *with*
 23 *id.* at ¶¶ 168-171, 666-671.

24 WHEREAS, on March 14, 2025, pursuant to the Parties’ Stipulation, the Court struck the
 25 allegations listed in Hollie Peterson’s second appearance (SACC ¶¶ 168-171) and Frances V.
 26 Prado’s second appearance (as Frances V. Prado) (*id.* ¶¶ 666-671) from the SACC. *See* Stipulation
 27

1 and Order to Strike Paragraphs 168-171 and Paragraphs 666-671 of Plaintiffs' Second Amended
2 Consolidated Complaint, ECF nos. 100, 101.

3 WHEREAS, while the TACC omits the second appearance of Frances V. Prado, the TACC
4 still incorrectly includes Hollie Peterson twice. *Compare* ECF No. 105-1 at ¶¶ 81-84 *with id.* at ¶¶
5 159-162.

6 **Good Cause Exists to Modify the Schedule.**

7 WHEREAS, BANA's Motion to Dismiss the SACC is presently due on April 28, 2025,
8 which is before its response to the TACC Motion, May 2, 2025.

9 WHEREAS, in the interests of efficiency and judicial economy, the Parties agree that the
10 TACC should be filed within two business days after the Court's Order on this Stipulation; that
11 BANA's Motion to Dismiss the new operative complaint (the TACC) shall be due on May 9,
12 2025; and that the Parties shall otherwise maintain the current Court-ordered briefing schedule on
13 the motion to dismiss the operative complaint.

14 **Good Cause Exists to Exceed Page Limits on the Motion.**

15 WHEREAS, on April 18, 2025, Plaintiffs filed their 206-page TACC. ECF No. 105-1.
16 Within its 708 paragraphs, the TACC sets forth allegations for 145 Plaintiffs and asserts 10 causes
17 of action. *See id.* To adequately address the deficiencies of the TACC, BANA requires an
18 additional 10 pages above the 34-page limit set by L.R. 7-3. Permitting these additional pages
19 would serve to further judicial efficiency because BANA's Motion will narrow the claims that
20 would need to be litigated by the Parties. However, additional pages are required to set forth
21 fulsome arguments for the Court's consideration.

22 Based on the foregoing, IT IS HEREBY STIPULATED THAT:

- 23 1. Plaintiffs shall file the TACC, attached hereto as Exhibit 1, within two court days after the
24 Court's order on this Stipulation;
- 25 2. Paragraphs 159 - 162 of the TACC shall be stricken;
- 26 3. BANA's Motion to Dismiss the TACC (the "Motion") shall be due on May 9, 2025;
- 27 4. Plaintiffs' Opposition to the Motion shall be due on June 13, 2025;

- 1 5. BANA's Reply in support of the Motion shall be due on July 11, 2025; and
2 6. BANA's Motion shall be granted an additional 10 pages above the 24-page limit set by L.R.
3 7-3.
4

5 Dated: April 23, 2025

Dated: April 23, 2025

6 *Electronic Signature Authorized*

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22 IT IS SO ORDERED.

23 
24 U.S. MAGISTRATE JUDGE
25

26 Date: April 24, 2025
27
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